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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Johan Auwerx *et al.*
Serial No. : 09/463,542
Filed : December 11, 2002
Confirmation No.: 6461

Art Unit : 1636
Examiner : Maria Marvich
Customer No.: 20985

Title : **HUMAN PEROXISOME PROLIFERATOR ACTIVATED RECEPTOR
GAMMA (PPAR γ) GENE REGULATORY SEQUENCES AND USES
THEREOF**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

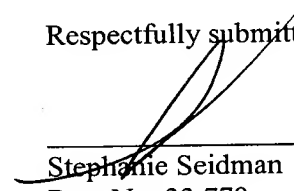
Dear Sir:

Transmitted herewith are a Supplemental Information Disclosure Statement, Forms PTO-1449 (5 pages), cited references (4 volumes in one box), a check in the amount of \$180, and a return postcard for filing in connection with the above-identified application. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050 as stated below:



The Commissioner is hereby authorized to charge any fees that may be due in connection with this paper or with this application during its entire pendency to Deposit Account No. 06-1050. A duplicate of this sheet is enclosed.

Respectfully submitted,


Stephanie Seidman
Reg. No. 33,779

Dated: August 24, 2005
Attorney Docket No. 18202-033US1 / 1051US
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Stephanie Seidman
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Attorney's Docket No.: 18202-033US1 / 1051US¹⁶³⁶

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Respectfully submitted,

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FR FISH & RICHARDSON P.C.

225 Franklin Street
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PAY **One hundred eighty dollars**

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT IN
ACCORDANCE WITH 37 C.F.R. §§1.97-1.98**

Dear Sir:

Because this Supplemental Information Disclosure Statement is after receipt of a first Office Action on the Merits of the above-captioned application, the filing fee of \$180 is enclosed. If no proper payment is enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1050.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all information known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Supplemental Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (5 pages) and copies of the cited non-U.S. patent documents (4 bound volumes) are provided herewith in connection with the above-captioned application.

The documents listed on the Form PTO-1449 are in the English language with the exception of items BG, BH, BK, BM, BN, BO, BP, BX, BY, BZ, CA, CB, CQ, DT and DY, which correspond to EP 0305890, EP 0169571, JP 05194209, EP 0568898, EP 0641759, EP 0679628, EP 0698392, FR 2390428, FR 2719041, FR 2719042, FR 2729664, DE 2819213, WO 9613478, Mitojima *et al.*, and Römpf Chemie Lexikon, respectively. Items BG, BH, BM, BN and CB are in the German language and are supplied with English language equivalents (Items

AS, AI, AU, AW and AF, respectively). Items BO, BP, BX, BY, BZ and CA are in the French language are supplied with English language equivalents (Items AX, AY, AF, AX, AV and AZ, respectively). Items CZ, DT and BK are in the Japanese language. Item CZ is supplied with an English language equivalent (Item BB), item DT is supplied with a Chemical Abstract (Item DC) and item BK is supplied with an English language Derwent abstract (Item DE). Item DY is in the German language. Because it clearly shows the necessary chemical structure, no English language equivalent is deemed necessary. If it is determined that the Examiner requires an English language equivalent, it can be provided upon request. Hence, in accordance with the requirements of 37 C.F.R. §1.98, as amended effective March 16, 1992, no further explanation of the listed item is necessary.

Applicant also makes known to the Examiner the following pending U.S. and International Applications that have one or more common inventors and/or are commonly owned:

<u>Docket No.</u>	<u>U.S.S.N.</u>	<u>Filed</u>	<u>Publ. No.</u>
002007 / 1002F	08/141,246	10/22/93	n/a
002009 / 1002H	08/141,496	10/22/93	n/a
004002 / 1026B	08/484,487	06/07/95	n/a
002016 / 1002O	09/989,710	11/19/01	n/a
017001 / 1081	10/080,926	02/22/02	2002-0183346
018001 / 1082	10/080,503	02/22/02	2002-0183314
051RI1 / 1814 RI	10/211,969	08/01/02	n/a
035002 / 1059B	10/229,649	08/27/02	2003-0013766
013002 / 1062B	10/238,363	09/09/02	2003-0186970
015002 / 1073B	10/299,909	11/18/02	2003-0130505
014002 / 1066B	10/329,307	12/23/02	2003-0149268
005003 / 1028C	10/360,580	02/05/03	2004-0019072
020001 / 1088	10/684,229	10/10/03	2004-0152718
048001 / 1087	10/684,212	10/10/03	2004-0152717
057001 / 1091	10/684,227	10/10/03	2004-0147530
004003 / 1026C	10/847,732	05/17/04	2004-0209839
068P01 / P1119	60/691,891	06/17/05	n/a
015003 / 1073C	11/165,769	06/23/05	n/a
069P01 / P1124	60/695,949	07/01/05	n/a

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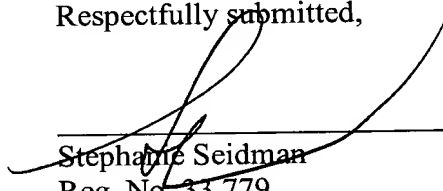
Attorney's Docket No.: 18202-033US1 / 1051US
Supplemental Information Disclosure Statement

Docket No.	Intl. No.	Filed	Publ. No.
022WO1/1096PC	PCT/US04/022907	07/16/04	WO 2005/017185
023WO1/1097PC	PCT/US04/023788	07/16/04	WO 2005/009104
024WO1/1098PC	PCT/US04/023093	07/16/04	WO 2005/016255
026WO1/1100PC	PCT/US04/023010	07/16/04	WO 2005/010202
030WO1/1111PC	PCT/US04/027483	08/23/04	WO 2005/018573
027WO1/1110PC	PCT/US05/06627	02/24/05	Awaiting
028WO1/1112PC	PCT/US05/07867	03/11/05	Awaiting

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,



Stephanie Seidman
Reg. No. 33,779

Dated: August 24, 2005

Attorney Docket No. 18202-033US1 / 1051US

Address all correspondence to:

Stephanie Seidman
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12390 El Camino Real
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AUG 25 2005

Sheet 1 of 5

Substitute Form PTO-1449
(Modified)U.S. Department of Commerce
Patent and Trademark OfficeAttorney's Docket No.
18202-033US1/1051USApplication No.
09/463,542**List of Patents and Publications for Applicant's
Information Disclosure Statement**Applicant
Johan Auwerx *et al.*Filing Date
December 11, 2002Group Art Unit
1636

(37 CFR §1.98(b))

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	AA	2004/0106135	06/03/04	Mukherjee et al.	435	6	09/06/03
	AB	2004/0019072	01/29/04	Canan-Koch et al.	514	290	02/05/03
	AC	3,845,089	10/29/74	Henrick	554	220	07/27/72
	AD	3,884,758	05/20/75	Green	435	34	01/30/74
	AE	4,105,681	08/08/78	Bollag et al.	554	111	08/13/76
	AF	4,193,931	03/18/80	Loeliger	514	510	04/24/78
	AG	4,215,215	07/29/80	Bollag et al.	544	176	07/06/79
	AH	4,534,979	08/13/85	Love et al.	514	529	11/02/84
	AI	4,648,996	03/10/87	Aig et al.	554	103	06/20/85
	AJ	4,783,549	12/08/88	Lang et al.	560	104	09/04/85
	AK	4,833,254	05/23/89	Berlin et al.	548	454	05/11/87
	AL	4,879,284	11/07/89	Land et al.	514	62	12/05/86
	AM	4,892,940	01/09/90	Maignan et al.	536	55.2	05/22/87
	AN	4,977,276	12/11/90	Berlin et al.	549	58	12/28/89
	AO	5,130,333	07/14/92	Pan et al.	514	460	10/19/90
	AP	5,198,567	03/30/93	Lang et al.	560	56	07/23/91
	AQ	5,219,888	06/15/93	Katocs, Jr. et al.	514	560	03/31/92
	AR	5,264,372	11/23/93	Beaumont et al.	436	504	03/15/91
	AS	5,304,575	04/19/94	Beck	514	563	12/17/92
	AT	5,441,971	08/15/95	Sohda et al.	514	342	10/12/93
	AU	5,512,683	04/30/96	Klaus et al.	549	9	10/18/94
	AV	5,654,338	08/05/97	Metivier	514	570	04/25/95
	AW	5,700,836	12/23/97	Klaus et al.	514	544	10/21/96
	AX	5,705,167	01/06/98	Bernardon et al.	424	401	04/26/95
	AY	5,728,739	03/17/98	Ailhaud et al.	514	725	08/02/95
	AZ	5,763,487	06/09/98	Bernardon	514	569	01/22/96
	BA	5,968,908	10/19/99	Epstein et al.	514	42	11/14/95

Examiner Signature

Date Considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Submitted August 25 2005

Substitute Form PTO-1449 (Modified) List of Patents and Publications for Applicant's Information Disclosure Statement (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 18202-033US1/1051US	Application No. 09/463,542
	Applicant Johan Auwerx <i>et al.</i>		
	Filing Date December 11, 2002	Group Art Unit 1636	

U.S. Patent Documents

Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
	BB	5,977,125	11/02/99	Hibi et al.	514	277	05/6/97
	BC	6,017,924	01/25/00	Edwards et al.	514	292	08/12/99
	BD	6,200,802	03/13/01	Greene et al.	435	325	10/08/93
	BE	6,534,516	03/18/03	Edwards et al.	514	285	11/24/99
	BF	6,815,168	11/09/04	Greene et al.	435	7.1	06/01/00

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	BG	0 305 890	03/08/89	EP				X+
	BH	0169571	01/29/86	EP				X+
	BI	0253393	01/20/88	EP				
	BJ	0266992	05/11/88	EP				
	BK	05 194 209A	08/03/93	JP				X*
	BL	0552624	07/28/97	EP				
	BM	0568898	04/01/98	EP				X+
	BN	0641759	12/09/98	EP				X+
	BO	0679628	11/02/95	EP				X+
	BP	0698392	02/28/96	EP				X+
	BQ	0718285	06/26/96	EP				
	BR	0859608	02/11/04	EP				
	BS	0873295	04/02/03	EP				
	BT	1336600	08/20/03	EP				
	BU	1426048	06/09/04	EP				
	BV	2188634	10/07/87	UK				
	BW	2197316	05/18/88	UK				
	BX	2390428	12/08/78	FR				X+
	BY	2719041	10/27/95	FR				X+
	BZ	2719042	10/27/95	FR				X+

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Sheet 3 of 5Substitute Form PTO-1449
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(37 CFR §1.98(b))

Foreign Patent Documents or Published Foreign Patent Applications

Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation	
							Yes	No
	CA	2729664	07/26/96	FR				X+
	CB	2819213	09/24/87	DE				X+
	CC	83/00930	03/17/83	PCT				
	CD	89/04489	05/18/89	PCT				
	CE	91/12258	08/22/91	PCT				
	CF	93/09236	05/13/93	PCT				
	CG	93/15740	08/19/93	PCT				
	CH	93/21146	10/28/93	PCT				
	CI	94/12880	06/09/94	PCT				
	CJ	94/15901	07/21/94	PCT				
	CK	94/15902	07/21/94	PCT				
	CL	94/17796	08/18/94	PCT				
	CM	95/04036	02/09/95	PCT				
	CN	95/07694	03/23/95	PCT				
	CO	95/07697	03/23/95	PCT				
	CP	96/05165	02/22/96	PCT				
	CQ	96/13478	05/09/96	PCT				X+
	CR	96/20913	07/11/96	PCT				
	CS	97/10813	03/27/97	PCT				
	CT	97/12853	04/10/97	PCT				
	CU	97/25042	07/17/97	PCT				
	CV	97/33881	09/18/97	PCT				

X+= An English language equivalent is provided

X*= An English language Derwent abstract is provided

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	CW	Barnett et al., "Effect of clofibrate on glucose tolerance in maturity onset diabetes," British Journal of Clinical Pharmacology 4:455-458 (1977)

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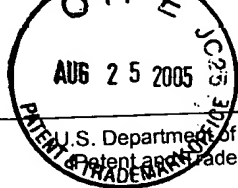
Examiner Initial	Desig. ID	Document
	CX	Berger et al., "Interaction of Glucocorticoid Analogues with the Human Glucocorticoid Receptor," J. Steroid. Biochem. Molec. Biol. 41: 733-738 (1992)
	CY	Boehm et al., "Synthesis and structure-activity relationships of novel retinoid X receptor-selective retinoids," J. of Medicinal Chemistry 37(18):2930-41 (1994)
	CZ	Broach, J.R., "The Yeast of Plasmid 2 μ Circle," In: The Molecular Biology of the Yeast <i>Saccharomyces</i> : Life Cycle and Inheritance, Cold Spring Harbor Laboratory, Cold Spring Harbor, N.Y., pp. 445-470 (1981)
	DA	Carter S.K. et al.(Eds.) Chemotherapy of Cancer, 2nd edition, New York: John Wiley & Sons, Appendix C, pp.364-365 (1981)
	DB	Chater et al., "Streptomyces ϕ C31-Like Phages: Cloning Vectors, Genome Changes and Host Range," In: Sixth International Symposium on Actinomycetes Biology, Debrecen, Hungary, August 26-30, 1985, pp 45-54 (1986)
	DC	Chemical Abstracts Accession No. 123:281583 for Motojima, K, "Toward the treatment of obesity. Role of PPAR Gamma in Adipogenesis," Tanpakushitsu Kakusan Koso 40(13):1936-1941 (1995).
	DD	Crombie et al., "Creatine kinase activity as an indicator of unopposed estrogen action in the mouse uterus associated with anti-progesterone treatment." J. Steroid Biochem Mol Biol. 49(2-3)123-9 (1994)
	DE	Derwent Abstract for JP 05 194 209A, published 08/03/93, entitled "Vascular endothelial cell function improvers - contains fenofibrate e.g. isopropyl 2-(p-(p-chloro:benzoyl)phenoxy)-2-methyl propionate"
	DF	Dreborg et al., "The chemistry and standardization of allergens," Chapter 10 in the <i>Handbook of Experimental Immunology</i> , 4 th Ed., D.M. Weir et al. (Ed.), Oxford ; Boston : Blackwell Scientific Publications, pp. 10.1-10.27(1986)
	DG	Giguere et al., "Functional Domains of the Human Glucocorticoid Receptor," Cell 46:645-652 (1986)
	DH	Giguere et al., "Identification of a receptor for the morphogen retinoic acid," Nature 330(2):624-629 (1987)
	DI	Grundy et al., "Metabolic and Health Complications of Obesity," Disease-a-Month 36(12):645-696 (1990)
	DJ	Gryczan, T.J., "Molecular Cloning in <i>Bacillus subtilis</i> ," In: The Molecular Biology of the Bacilli, New York: Academic Press, Inc., pp.307-329 (1982)
	DK	Ibrahimi et al., "Evidence for a Common Mechanism of Action for Fatty Acids and Thiazolidinedione Antidiabetic Agents on Gene Expression in Preadipose Cells," Molecular Pharmacology 46:1070-1076 (1994)
	DL	Jow, L. and R. Mukherjee, "The human peroxisome proliferator-activated receptor (PPAR) subtype NUC1 represses the activation of hPPAR α and thyroid hormone receptors," J Biol Chem. 270(8):3836-40 (1995)
	DM	Karam, J., "Type II Diabetes and Syndrome X," Endocrinology and Metabolism Clinics of North America 21(2): 329-350 (1992)
	DN	Kawamatsu et al., "Studies on Antihyperlipidemic Agents," Arzneim-Forsch 30: 454-459 (1980)
	DO	Lenhard et al., "Analysis of Thiazolidinedione, Biguanide and Retinoid Effects on Adipogenesis and the Nuclear Receptors PPAR γ and RXR," Diabetologia, Supplement 39(5): A234 (1996)

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(37 CFR §1.98(b))

Other Documents (include Author, Title, Date, and Place of Publication)

Examiner Initial	Desig. ID	Document
	DP	Mangelsdorf et al., "A Direct Repeat in the Cellular Retinol-Binding Protein Type II Gene Confers Differential Regulation by RXR and RAR," <i>Cell</i> 66:555-561 (1991)
	DQ	Mangelsdorf et al., "Nuclear receptor that identifies a novel retinoic acid response pathway," <i>Nature</i> 345:224-229 (1990)
	DR	Maniatis, T., "Recombinant DNA Procedures in the Study of Eukaryotic Genes," In: <i>Cell Biology: A Comprehensive Treatise</i> , Vol. 3, Gene Sequence Expression, New York: Academic Press, pp. 563-608 (1980)
	DS	Miller et al., "An Insect Baculovirus Host-Vector System for High-Level Expression of Foreign Genes," In: <i>Genetic Engineering: Principles and Methods</i> , Setlow, J. K. et al. (Eds.), New York: Plenum Press, Vol. 8, pp. 277-297 (1986)
	DT	Motojima, K., "[Toward the treatment of obesity. Role of PPAR Gamma in Adipogenesis]," <i>Tanpakushitsu Kakusan Koso</i> 40(13):1936-1941 (1995) [In Japanese]
	DU	Mukherjee, R., "Selective binding of the estrogen receptor to one strand of the estrogen responsive element," <i>Nucleic Acids Res.</i> 21(11):2655-2661 (1993)
	DV	Nestel, P.J., "Effects of N-3 fatty acids on lipid metabolism," <i>Ann. Rev. Nutr.</i> 10:149-167 (1990)
	DW	Ptashne, M., "How eukaryotic transcriptional activators work," <i>Nature</i> 335:683-689 (1988)
	DX	Rigas et al., "Lipoprotein alterations in patients treated with novel retinoids," <i>Proceeding of the American Association for Cancer Research</i> , 86 th Annual Meeting, Toronto, Ontario, Canada, March 18-22, 1995, Volume 36, p.506 (March, 1995)
	DY	Römpf Chemie Lexikon, 9th Extended and Revised Edition, S., Falbe, J. et al. (Eds.) Georg Thieme Verlag Stuttgart: New York, pp. 3855-3856 (1992) [Pages in German]
	DZ	Safonova et al., "Fatty Acids and Retinoids Act Synergistically on Adipose Cell Differentiation," <i>Biochem Biophys Res Commun.</i> 204(2):498-504 (1994)
	EA	St. Groth et al., "Production of Monoclonal Antibodies: Strategy and Tactics," <i>J. Immunol. Methods</i> 35:1-21(1980)
	EB	Ullmann's Encyclopedia of Industrial Chemistry, 5th Ed. Volume A8: Coronary Therapeutics to Display Technology, Gerhartz, W. et al. (Eds.) VCH: Weinheim, Federal Republic of Germany), pp. 308-314 (1987)
	EC	Umesono et al., "Retinoic acid and thyroid hormone induce gene expression through a common responsive element," <i>Nature</i> 336:262-265 (1988)
	ED	Wu, G.Y. and C.H. Wu, "Receptor-mediated <i>in Vitro</i> Gene Transformation by a Soluble DNA Carrier-System," <i>J. Biol. Chem.</i> 262: 4429-4432 (1987)
	EE	Zhang et al., "Characterization of Protein-DNA Interactions with the Peroxisome Proliferator-responsive Element of the Rat Hydratase-Dehydrogenase Gene," <i>Journal of Biological Chemistry</i> 268:12939-12945 (1993)
	EF	Zhang et al., "Positional cloning of the mouse <i>obese</i> gene and its human homologue," <i>Nature</i> 372(6505):425-432 (1994)

Examiner Signature

Date Considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Submitted August 25 2005